



**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
FREEDOM OF INFORMATION ACT BRANCH**  
Washington, D.C. 20570

Via email

September 24, 2021

Re: FOIA Request NLRB-2021-001295

Dear Eric Kopp:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on August 26, 2021, in which you seek "all NLRB files pertaining to cases involving Hamilton College in the past five years." You also requested documentation concerning SEIU Local 200 unionizing Facilities Management staff of Hamilton College occurring in the 70s/80s. You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on August 26, 2021. On September 16, 2021, in an email with a member of my staff, you agreed to narrow the portion of your request that sought all documents involving Hamilton College to the formal records in those requested cases.

Searches of the Agency's electronic casehandling system, NxGen, were conducted for cases involving Hamilton College for the past five years. These searches yielded 89 pages of responsive, releasable records from responsive case files, which are attached.

Regarding the portion of your request seeking documents for SEIU Local 200 unionizing Facilities Management Staff in the 70s/80s, there are no responsive records maintained by the Agency, as explained below.

Searches were conducted in the Agency's electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present. These searches were conducted using the entity names provided in your request and yielded no responsive records. Further search efforts were conducted using the Agency's custom document search tool (Integrated Search, or "iSearch") to try to locate any specific case and document data and/or document content. These searches did not locate any responsive records. Finally, searches were conducted using the Agency's public website for any Board Decisions, and Regional Election Decisions involving those named entities. These searches did not yield any responsive records.

Pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given the age of the requested case, a further search was made of the list of permanently retained cases maintained by the Agency's Case Records Unit for cases that closed between 1982 and 2010, and it was confirmed that the requested case was not selected for permanent retention.

Please be advised that as part of our past practice of due diligence in searching for older records that pre-date our current electronic casehandling system, we had previously directed search inquiries to the Agency's Regional offices to conduct manual searches for potentially responsive paper records that may still be maintained. However, due to the COVID-19 pandemic, the Agency's Regional offices are either closed or operating with skeletal staffs and it is not feasible for our Regional staff to conduct manual searches for any paper records in cases that closed prior to 2012 at this time.

If in the future, once our Regional offices return to regular opening hours and staffing, you continue to be interested in records concerning SEIU Local 200 unionizing Facilities Management staff of Hamilton College occurring in the 70s/80s and would like us to conduct such a manual search to identify if any paper records still may exist, you may file a new FOIA request. For information on the status of the Agency's Regional offices, you may access our website at [www.nlr.gov](http://www.nlr.gov).

For the purpose of assessing fees, we have placed you in Category D, the "all other requesters" category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact Lalitta Gillis, the FOIA Specialist who processed your request, at (202) 273-0101 or by email at [Lalitta.Gillis@nlrb.gov](mailto:Lalitta.Gillis@nlrb.gov), as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the

scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: FOIAPublicLiaison@nrlrb.gov  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: ogis@nara.gov  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:  
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt  
Chief FOIA Officer  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop

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the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling  
FOIA Officer

Attachment: (89 pages)